

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PETER A. SPALLUTO)	
and ACCESS WITH SUCCESS, INC.,)	
Plaintiffs)	CIVIL ACTION NO.: 05-cv-10385EFH
)	
v.)	
)	
HDP, INC.,)	
Defendant)	
)	

PLAINTIFFS' MOTION FOR A PROTECTIVE ORDER

The plaintiffs respectfully move the Court for an order pursuant to Rule 26(c)(1) of the Federal Rules of Civil Procedure requiring the defendant to take the plaintiffs' depositions on one of the following dates: July 28, 29, 30, 31, or August 1 or not take the depositions at all. In support of their motion, the plaintiffs rely upon the accompanying memorandum. The plaintiffs also respectfully request that the Court will schedule the trial to take place in August 2008.

WHEREFORE, the plaintiffs pray that their motion will be granted.

Respectfully submitted, The Plaintiffs,
Peter A. Spalluto and Access With Success,
Inc.

By their Attorneys,

/s/Nicholas S. Guerrero
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CERTIFICATE OF SERVICE

I, Nicholas S. Guerrero, hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on this 15th day of April 2008.

Dated: April 15, 2008

/s/Nicholas S. Guerrero
Nicholas S. Guerrero

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 37.1(b)

Counsel for the parties (Nicholas S. Guerrero for the plaintiff and Brian J. McMenimen for the defendant) had a discovery conference by telephone for approximately 5 minutes on the morning of April 15, 2008 and conferred in good faith to narrow the present discovery dispute in an effort to obtain the requested relief without court action, but were unable to reach agreement.

Dated: April 15, 2008

/s/Nicholas S. Guerrero
Nicholas S. Guerrero